IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of	Atty. Docket
DECLAN P. KELLY ET AL.	PHNL 021195
Serial No.: 10/535,467	Group Art Unit: 2174
Filed: May 17, 2005	Examiner: M. Takele

USER INTERFACE SYSTEM FOR PRESENTING TO A USER THE CONTENTS OF AN INFORMATION CARRIER

Commissioner for Patents
P.O. Box 1450
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Sir:

APPEAL BRIEF

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(i)   <u>Real Party in Interest</u>

     The real party in interest in this application is KONINKLIJKE PHILIPS ELECTRONICS N.V. by virtue of an assignment from the inventors recorded on May 17, 2005, at Reel 017167, Frames 0184.

(ii)   Related Appeals and Interferences

There are no other appeals and/or interferences related to this application.

(iii)   <u>Status of Claims</u>

Claims 1-18 stand finally rejected by the Examiner. Appellants hereby appeal the rejection of claims 1-18.

(iv)   <u>Status of Amendments</u>

There was one Response filed on April 7, 2008, after final rejection of the claims on February 8, 2008, this Response having been considered by the Examiner.

(v)   <u>Summary Of Claimed Subject Matter</u>

The subject invention relates to a user interface system for presenting to a user the contents of an information carrier intended to be inserted into a reading apparatus, said information carrier containing data files having different content types and/or different coding formats. As claimed in claim 1, the invention includes "means for retrieving stored capabilities (CAP) of said reading apparatus, said CAP signifying which coding formats and/or content types said reading apparatus supports to play such data files". This is shown in Fig. 1, and described in the specification on page 5, lines 1-7, in which selection means 102 accesses the CAP 104 stored in memory device 110.

The invention also includes "selection means for selecting a set of data files complying with the CAP from among data files contained on said information carrier". This is shown in Fig. 1, ad described in the specification on page 4, lines 29-31, in which the selection means 102 selects data files from the information carrier 101.

In addition, the invention includes "presentation means for presenting to said user, a table of contents from the selected data files". This is shown in Fig. 1, and described in the specification on page 5, lines 13-18, where presentation means 107 receives a list of playable files 105 and a list of nonplayable files from the selection means 102, and generates a table of contents for the user.

As claimed in claim 2, the invention includes the limitation "the selection means comprises comparison means for comparing the coding format of the data files contained on said information carrier with the CAP of said reading apparatus for playing such a coding format". This is described in the specification on page 5, lines 7-10.

As claimed in claim 3, the invention further includes "classification means for classifying the selected data files according to their content type". This is shown in Fig. 1, and described in the specification on page 5, lines 24-30, where classification means 111 classifies the selected data files.

In the invention, as claimed in claim 4, "the classification means (111) classifies the selected data files according to their coding format". This is described in the specification on page 5, lines 31-34.

According to claim 5, the invention further includes "downloading means for downloading a plug-in allowing the reading apparatus to play data files contained on said information carrier and considered non-playable according to the CAP of said reading apparatus". This is described in the specification on page 6, lines 6-9.

The subject invention, as claimed in claim 6, further includes the limitation "wherein the presentation means comprises code instructions stored in a data file for describing the rules of design of said table of contents". This is shown in Fig. 1, and described in the specification on page 5, lines 15-17, where the

presentation means 107 generates the table of contents in accordance with stored code instructions 108.

As claimed in claim 16, the invention includes the limitation "the classification means classifies the selected data files according to a quality criterion". This is described in the specification on page 5, line 32 to page 6, line 2.

Finally, as claimed in claim 17, the invention includes the limitation "the quality criterion is resolution and/or bit rate of the data file". This is described in the specification on page 6, lines 1-3.

The subject invention further relates to an apparatus for reading an information carrier intended to contain data files having different content types and/or different coding formats. In particular, as claimed in claim 7, the invention includes "a memory device for storing coding formats and content types of data, referred to as capabilities (CAP), which are playable by said apparatus". This is shown in Fig. 1, and described in the specification on page 5, lines 1-5, where a memory device 110 stores the CAP of the reading apparatus.

In addition, the subject invention includes a user interface system having "means for selecting, from among data files contained on said information carrier, a set of selected data files complying with said CAP". This is shown in Fig. 1, and described in the specification on page 4, lines 29-31, in which the selection means 102 selects data files from the information carrier 101.

Furthermore, the invention includes "means for presenting a table of contents from said set of selected data files". This is shown in Fig. 1, and described in the specification on page 5, lines 13-18, where presentation means 107 receives a list of playable files 105 and a list of nonplayable files from the selection means 102, and generates a table of contents for the user.

As claimed in claim 8, the apparatus includes the limitation "said means for selecting comprises means for comparing the coding format of the data files contained on said information carrier with said CAP". This is described in the specification on page 5, lines 7-10.

In claim 9, the apparatus includes the limitation "said means for selecting comprises means for comparing the coding format of the data files contained on said information carrier with said CAP". This is described in the specification on page 5, lines 7-10.

The apparatus, as claimed in claim 10, includes the limitation "said classifying means further classifies the selected data files according to their coding format". This is described in the specification on page 5, lines 31-34.

As claimed in claim 11, the apparatus includes the limitation "said classifying means further classifies the selected data files according to a quality criterion". This is described in the specification on page 5, line 32 to page 6, line 2.

The apparatus, as claimed in claim 12, further includes "means for downloading a plug-in enabling the apparatus to play data files

which are considered non-playable according to said CAP". This is described in the specification on page 6, lines 6-9.

As claimed in claim 13, the apparatus further includes "means for updating said CAP according to the content type and/or coding format playable by said plug-in". This is described in the specification on page 6, lines 9-10.

As claimed in claim 14, the apparatus includes the limitation "said means for presenting comprises code instructions stored in a data file for describing the rules of design of said table of contents". This is shown in Fig. 1, and described in the specification on page 5, lines 15-17, where the presentation means 107 generates the table of contents in accordance with stored code instructions 108.

As claimed in claim 18, the apparatus includes the limitation "the quality criterion is resolution and/or bit rate of the data file". This is described in the specification on page 6, lines 1-3.

Furthermore, the subject invention relates to a method of interfacing for presenting to a user the content of an information carrier inserted into a reading apparatus, said information carrier containing data files having different content types and/or different coding formats. According to claim 15, the method includes "retrieving stored capabilities (CAP) of said reading apparatus, said CAP signifying which coding formats and/or content types said reading apparatus supports to play such data files". This is shown in Fig. 1, and described in the specification on page

5, lines 1-7, in which selection means 102 accesses the CAP 104 stored in memory device 110.

In addition, the method includes "selecting, from among data files contained on said information carrier, a set of selected data files complying with said CAP". This is shown in Fig. 1, ad described in the specification on page 4, lines 29-31, in which the selection means 102 selects data files from the information carrier 101.

Finally, the method includes "presenting a table of contents from said set of selected data files". This is shown in Fig. 1, and described in the specification on page 5, lines 13-18, where presentation means 107 receives a list of playable files 105 and a list of nonplayable files from the selection means 102, and generates a table of contents for the user.

(vi)   <u>Grounds of Rejection to be Reviewed on Appeal</u>

(A)   Whether the invention, as claimed in claims 1-18, is unpatentable, under 35 U.S.C. 103(a), over U.S. Patent Application Publication No. 2002/0138781 to Okuda et al., in view of U.S. Patent Application Publication No. 2002/0057287 to Crow et al.

(vii)   <u>Arguments</u>

35 U.S.C. 103(a) states:

"(a) A patent may not be obtained though the invention
is not identically disclosed or described as set forth
in section 102 of this title, if the differences
between the subject matter sought to be patented and
the prior art are such that the subject matter as a
whole would have been obvious at the time the invention
was made to a person having ordinary skill in the art
to which said subject matter pertains. Patentability
shall not be negatived by the manner in which the
invention was made."

(A)   Whether Claims 1-18 Are Unpatentable Over Okuda et al. In View Of Crow et al.

The Okuda et al. publication discloses a file management method, program therefor, recording medium containing the program, and file management apparatus for performing the method, in which depending on the format of an optical disc (CD, CD-R, CD-RW), the Okuda et al. method/apparatus presumes a certain predetermined file format and then only looks for that file format on the optical disc.

The Crow et al. publication discloses a user interface for presenting media information, in which "a graphical representation of a time line for a time-based media is displayed along with a graphical representation of a current time along the graphical representation of the time line. A start graphical indicator and a stop graphical indicator is also displayed along the graphical representation of the time line. A portion of the time-based media

may be selected for presentation by dragging or positioning at least one of the start graphical indicator and the stop graphical indicator along the graphical representation of the time line." (see Abstract).

1.   Claims 1, 7, 15

The subject invention, as claimed in independent claims 1, 7 and 15, includes a capabilities (CAP) file stored in the apparatus, this file being retrieved to determine all of the file types playable by the apparatus, the comparing of the file types on an information carrier with those denoted in CAP, and the generation of a playlist of only those data files playable on the apparatus.

In the current Office Action, the Examiner has stated "Okuda does not explicitly disclose means for retrieving stored capabilities of said reading apparatus, said CAP signifying which coding formats and/or content types said reading apparatus supports to play such data files. Crow from the same field of endeavor discloses means for retrieving stored capabilities of said reading apparatus, said CAP signifying which coding formats and/or content types said reading apparatus supports to play such data files (paragraph, [0003] – [0006])."

Appellants submit that the Examiner is mistaken. In particular, that portion of Crow et al. merely describes, in general, the QuickTime media layer, and indicates the existence of user interfaces, for controlling the presentation of time-based media, for RealPlayers, QuickTime MoviePlayers and Windows Media

Players, stating that these user interfaces have menus for displaying controls or to display a list of "favorites" or "channels". However, Appellants stress that there is no disclosure or suggestion of the existence of such a CAP file.

Appellants submit that the combination of Okuda et al. and Crow et al. neither discloses nor suggests such a CAP file and the retrieval of the CAP file to determine the capabilities of the apparatus.

2.   Claims 5, 12

Claims 5 and 12 include the limitation "downloading means for downloading a plug-in allowing the reading apparatus to play data files contained on said information carrier and considered non-playable according to the CAP of said reading apparatus".

The Examiner has indicated that this is disclosed in Crow et al. and indicates paragraphs [0003] and [0044] therein.

Appellants submit that the Examiner is mistaken. In particular, paragraph [0003] of Crow et al. merely describes, in general, the QuickTime media layer and file structure, while paragraph [0044] merely describes that access to the Internet is provided by Internet service providers, that time-based media data may be stored at a remote location, such as a web server, and that the (time-based media) data may be downloaded and played back using a playback system (e.g., a QuickTime Player). It should be noted that this time-based media data corresponds to the data files carried by the information carrier of the subject invention. As

such, the Internet/web server serve as the information carrier. However, Appellants stress there is no disclosure or suggestion of "downloading means for downloading a plug-in allowing the reading apparatus to play data files contained on said information carrier and considered non-playable according to the CAP of said reading apparatus".

3.   Claim 13

Claim 13 includes the limitation "means for updating said CAP according to the content type and/or coding format playable by said plug-in".

The Examiner has indicated that this is disclosed in Okuda et al. and cites paragraph [0015] therein.

Again, Appellants believe that the Examiner is mistaken. In particular, paragraph [0015] of Okuda et al. is referring to downloading a desired file to a recording medium, and the subsequent playing back of that desired file. Again, Appellants stress that the "desired file" corresponds to the data files carried by the information carrier of the subject invention.

Appellants submit that there is no disclosure or suggestion in Okuda et al. of being able to download a "plug-in" for expanding the playing capabilities of the apparatus, and for updating the capabilities (CAP) file based on the downloaded "plug-in".

Based on the above arguments, Appellants believe that the subject invention is not rendered obvious by the prior art and is

patentable thereover. Therefore, Appellants respectfully request that this Board reverse the decisions of the Examiner and allow this application to pass on to issue.

Respectfully submitted,

by ___/Edward W. Goodman/_____
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(viii)   <u>Claims Appendix</u>

1.   (Previously Presented)   A user interface system for presenting
to a user the contents of an information carrier intended to be
inserted into a reading apparatus, said information carrier
containing data files having different content types and/or
5   different coding formats, said user interface system comprising:
        means for retrieving stored capabilities (CAP) of said
reading apparatus, said CAP signifying which coding formats and/or
content types said reading apparatus supports to play such data
files;
10   selection means for selecting a set of data files
complying with the CAP from among data files contained on said
information carrier; and
        presentation means for presenting to said user, a table of
contents from the selected data files.

2.   (Previously Presented)   The user interface system as claimed in
claim 1, wherein the selection means comprises comparison means for
comparing the coding format of the data files contained on said
information carrier with the CAP of said reading apparatus for
5   playing such a coding format.

3.   (Previously Presented)   The user interface system as claimed in
claim 2, wherein said user interface system further comprises:

classification means for classifying the selected data files according to their content type.

4.   (Previously Presented)   The user interface system as claimed in claim 3, wherein the classification means (111) classifies the selected data files according to their coding format.

5.   (Previously Presented)   The user interface system as claimed in claim 4 or 16, wherein said user interface system further comprises:

downloading means for downloading a plug-in allowing the reading apparatus to play data files contained on said information carrier and considered non-playable according to the CAP of said reading apparatus.

6.   (Previously Presented)   The user interface system as claimed in claim 5, wherein the presentation means comprises code instructions stored in a data file for describing the rules of design of said table of contents.

7.   (Previously Presented)   An apparatus for reading an information carrier intended to contain data files having different content types and/or different coding formats, said apparatus comprising:

a memory device for storing coding formats and content types of data, referred to as capabilities (CAP), which are playable by said apparatus; and

a user interface system, wherein said user interface system comprises:

means for selecting, from among data files contained on said information carrier, a set of selected data files complying with said CAP; and

means for presenting a table of contents from said set of selected data files.

8. (Previously Presented) The apparatus as claimed in claim 7, wherein said means for selecting comprises means for comparing the coding format of the data files contained on said information carrier with said CAP.

9. (Previously Presented) The apparatus as claimed in claim 8, wherein said apparatus further comprises:

means for classifying the selected data files according to their content type.

10. (Previously Presented) The apparatus as claimed in claim 9, wherein said classifying means further classifies the selected data files according to their coding format.

11. (Previously Presented) The apparatus as claimed in claim 9, wherein said classifying means further classifies the selected data files according to a quality criterion.

12. (Previously Presented) The apparatus as claimed in claim 7, wherein said apparatus further comprises means for downloading a plug-in enabling the apparatus to play data files which are considered non-playable according to said CAP.

13. (Previously Presented) The apparatus as claimed in claim 12, wherein said apparatus further comprises:

means for updating said CAP according to the content type and/or coding format playable by said plug-in.

14. (Previously Presented) The apparatus as claimed in claim 7, wherein said means for presenting comprises code instructions stored in a data file for describing the rules of design of said table of contents.

15. (Previously Presented) A method of interfacing for presenting to a user the content of an information carrier inserted into a reading apparatus, said information carrier containing data files having different content types and/or different coding formats,

5   said method comprising the steps of:

retrieving stored capabilities (CAP) of said reading apparatus, said CAP signifying which coding formats and/or content types said reading apparatus supports to play such data files;

selecting, from among data files contained on said

10 information carrier, a set of selected data files complying with said CAP; and

presenting a table of contents from said set of selected data files.

16.   (Previously Presented) The user interface system as claimed in claim 3, wherein the classification means classifies the selected data files according to a quality criterion.

17.   (Previously Presented) The user interface system as claimed in claim 16, wherein the quality criterion is resolution and/or bit rate of the data file.

18.   (Previously Presented) The apparatus as claimed in claim 11, wherein the quality criterion is resolution and/or bit rate of the data file.

(ix)   <u>Evidence Appendix</u>

There is no evidence which had been submitted under 37 C.F.R. 1.130, 1.131 or 1.132, or any other evidence entered by the Examiner and relied upon by Appellant in this Appeal.

(x)   <u>Related Proceedings Appendix</u>

Since there were no proceedings identified in section (ii)
herein, there are no decisions rendered by a court or the Board in
any proceeding identified pursuant to paragraph (c)(1)(ii) of 37
C.F.R. 41.37.